

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Crl.Rev.Pet.No. 3272 of 2007()

STC.3738/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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REVN. PETITIONER: COMPLAINANT

KERALA STATE RUBBER CO-OPERATIVE LTD,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER
MANOJ KUMAR K.V,S/O. BALAN,
FORMERLY THROUGH THE COMPANY SECRETARY OF
RUBCO SALES INTERNATIONAL PVT.LTD,KANNUR-2
CYRIL SHIBU, WHO HAS SINCE LEFT ITS SERVICE)

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS: ACCUSED AND THE STATE

1. C.P.LATHEEF,M/S.M.M.MARKETING,
NO.4, ROCKINS ROAD, 2ND FLOOR,
TRICHY-620 001.
2. M/S.M.M.MARKETING,
REPRESENTED BY ITS PARTNER LATHEEF,
NO.4, ROCKINS ROAD, 2ND FLOOR,
TRICHY-620 001.
3. THE STATE OF KERALA,REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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Crl. R.P. No. 3272 of 2007
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Dated, this the 19th day of September 2007

O R D E R

The revision petitioner who is the complainant in S.T.C.3738 of 2006 on the file of the J.F.C.M.-I, Kannur challenges the order dated 12-03-2007 passed by the magistrate dismissing the complaint under Section 204 (4) Cr.P.C. for the absence of the complainant as well as for the non-production of the the stamped cover for taking out summons to respondents 1 and 2 accused. In as much as the complaint was dismissed before issuing summons to the accused, notice to respondents 1 and 2 in this revision is dispensed with.

2. The amount covered by the cheque involved in the case is Rs. 70,000/-. The complaint was filed on 29-3-2006. The learned counsel for the revision petitioner would submit that stamped cover had been produced before the court below but it was omitted to be noticed. Whatever that may be, the revision petitioner does not deserve dismissal of his complaint. He should have been given an opportunity to produce the stamped cover if not already produced.

Accordingly, the impugned order is set aside and S.T.C. 3738 of 2006 is restored to file. The revision petitioner shall appear before the court below on 5-11-2007 without further notice. By that time, he shall have produced the stamped cover if not already produced for the further progress of the complaint.

This Revision is allowed as above.

V. Ramkumar, Judge.

